

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
Paris Cleaners)	Administrative Consent Order
St. Mary's, Ohio)	
)	EPA-5-99-113(a) OH-05
)	
Proceeding Pursuant to)	
Section 113(a)(3))	
of the Clean Air Act,)	
42 U.S.C. §§ 7413(a)(3))	

Administrative Consent Order

1. The Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, is issuing this Order to Paris Cleaners under Section 113(a)(3) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(3).

Statutory and Regulatory Background

2. The Administrator of U.S. EPA may promulgate regulations establishing National Emission Standards for Hazardous Air Pollutants (NESHAPs) under Section 112 of the Act, 42 U.S.C. § 7412.

3. Under Section 112 of the Act, the Administrator promulgated the NESHAP for Perchloroethylene at 40 C.F.R. §§ 63.320 through 63.324. The NESHAP for Perchloroethylene applies to Dry Cleaning Facilities.

4. The NESHAP, at 40 C.F.R. § 63.322(a)(3), requires that dry cleaning machines at major sources that are transfer machine systems installed prior to September 22, 1993, must be contained inside a room enclosure which is 1) constructed of materials impermeable to perchloroethylene, and 2) designed and operated to maintain a negative pressure at each opening at all times that the machine is operating. Each room enclosure used for the purposes of complying with 40 C.F.R. § 63.322(a)(3): (1) shall be operated to vent all air from a room enclosure through a carbon adsorber or an equivalent control device; and (2) shall be equipped with a carbon adsorber that is not the same carbon adsorber used to route the air-perchloroethylene gas-vapor stream contained within each dry cleaning machine referred to in paragraph (a)(2) or (b)(3) of 40 C.F.R. § 63.322. 40 C.F.R.

§63.322(h). Each owner or operator of a dry cleaning facility was required to notify U.S. EPA or delegated State authority in writing by June 18, 1994 of its existence, among other things, and to demonstrate to the Administrator's satisfaction that each room enclosure used to meet the requirements of §63.322(a)(3) meets the requirements of §63.322(a)(3)(i) and (ii). 40 C.F.R. § 63.324.

5. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator of U.S. EPA may issue an order requiring compliance to any person who has violated or is in violation of the NESHAP regulations. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

6. Paris Cleaners (you) owns and operates a dry cleaning facility located at 1975 Celina Road, St. Mary's, Ohio (facility). The facility operates, among others, two forty pound transfer washers and five tumbler/dryers with refrigerated condensers only. Paris Cleaners installed this equipment prior to December 9, 1991.

7. On or before September 23, 1996, Paris Cleaners was required to enclose the two transfer washers and five tumbler/dryers in a room constructed of perchloroethylene impermeable materials and kept under negative pressure. Paris Cleaners has not enclosed these systems in violation of 40 C.F.R. §63.322(a)(3).

8. On or before June 18, 1994, Paris Cleaners was required to submit notification to U.S. EPA or the delegated State Authority about the existence of the facility. Paris Cleaners did not submit the required notification until years later and did not include information regarding the room enclosure in violation of 40 C.F.R. §63.324(a).

9. On March 31, 1999, U.S. EPA issued to Paris Cleaners a Finding of Violation alleging that Paris Cleaners violated the NESHAP for Perchloroethylene by failing to enclose the two forty pound transfer machine systems in a perchloroethylene impermeable room with negative pressure and vented to a carbon adsorber. In addition, U.S. EPA alleged that Paris Cleaners failed to provide proper notification of this system.

10. On April 14, 1999, a representative of Paris Cleaners and U.S. EPA discussed the March 31, 1999, finding of violation.

11. After a review of the information that Paris Cleaners provided to U.S. EPA and after a thorough investigation of all relevant facts, U.S. EPA finds that the following requirements are reasonable.

Therefore, it is hereby ordered that:

Compliance Program

12. By the expiration date of this Order, Paris Cleaners shall achieve, demonstrate and maintain compliance with the NESHAP for perchloroethylene at its St. Mary's, Ohio, facility.

13. By the expiration date of this Order, you shall either stop using your existing transfer machine systems and replace them with new dry-to-dry machine(s) and ancillary equipment, installed in accordance with the requirements of 40 C.F.R. § 63.322(b), or bring your existing transfer machine system into compliance with the requirements of 40 C.F.R. §§ 63.322(a) and (h)), including constructing a perchloroethylene-impermeable room enclosure designed and operated to maintain negative pressure at each opening at all times that the transfer machine system is operating. If you stop using your existing transfer machine systems and keep them in place, you shall disconnect the power supply to those systems and remove integral parts necessary to operation, such as the loading door, solvent storage tanks, still, filters and housing. Paris Cleaners shall provide written and photographic confirmation of these activities. If you stop using your transfer machine systems and dispose them off site, then you shall provide written confirmation and supporting documentation such as copies of waste shipment and disposal records of these activities.

14. No later than sixty (60) days prior to the expiration date of this Order, Paris Cleaners must notify U.S. EPA of its plans for coming into compliance with 40 C.F.R. §63.322. If you are planning to continue using the existing transfer machine system, this notice must include a description of the specific activities planned or taken to meet the emission control and room enclosure requirements of 40 C.F.R. §§ 63.322(a) and 63.322(h). If you are replacing the existing transfer machine system with new dry-to-dry machine(s), then this notice must include the specific activities planned or taken to meet the requirements of 40 C.F.R. §63.322(b).

15. Paris Cleaners must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

16. Paris Cleaners shall continue to provide U.S. EPA with copies of its Monthly Machine Maintenance and Perchloroethylene Log until the expiration date of this Order.

General Provisions

17. This Order does not affect Paris Cleaners' responsibility to comply with other local, state, and federal laws and regulations.

18. This Order does not restrict U.S. EPA's authority to enforce Section 112 of the Act, or any other section of the Act.

19. Nothing in this Order limits U.S. EPA's authority to seek appropriate relief, including penalties under Section 113 of the Act, 42 U.S.C. § 7413, for Paris Cleaners' violation of the NESHAP for perchloroethylene.

20. Failure to comply with this Order may subject Paris Cleaners to penalties of up to \$27,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413.

21. The terms of this Order are binding upon Paris Cleaners, its officers, directors, agents, employees, assignees, authorized representatives, and successors. Paris Cleaners must give notice of this Order to any successors in interest, prior to transferring ownership, and must simultaneously verify to U.S. EPA, at the above address, that Paris Cleaners has given the notice.

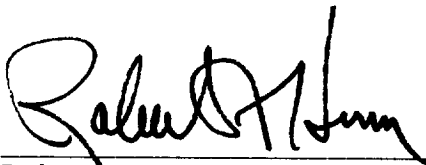
22. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. §3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation.

23. U.S. EPA may use any information submitted under this Order in an administrative, civil or criminal action.

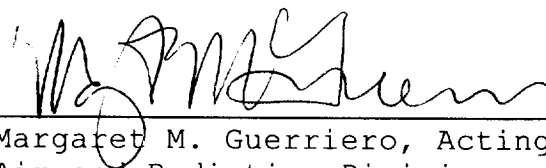
24. Paris Cleaners agrees to the terms of this Order.

25. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will expire one year from the effective date, provided that Paris Cleaners has complied with all of its terms.

8/6/99
Date


Robert Hurm, Owner
Paris Cleaners

8/12/99
Date


Margaret M. Guerriero, Acting Director
Air and Radiation Division

Enclosures

CERTIFICATE OF MAILING

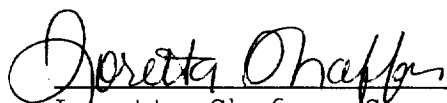
I, Loretta Shafer, certify that I sent the Administrative Consent Order, EPA Order No. EPA-5-99-113(a) OH-5, by Certified Mail, Return Receipt Requested, to:

Robert Hurm
Paris Cleaners
1975 Celina Road
St. Mary's, Ohio 45885

I also certify that I sent a copy of the Administrative Consent Order, EPA Order No. EPA-5-99-113(a) OH-5, by First Class Mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

on the 13th day of August 1999.


Loretta Shafer, Secretary
AECAS (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: P 140 777 334